

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

CITY COUNCIL MEETING

TUESDAY, MAY 9, 2017 – 7:00 P.M.

Mayor Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Pastor David McBride, New Life Church, Ghent Campus, followed by the Pledge of Allegiance.

The following members were present: Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, Mr. Thomas, Dr. Whibley and Mr. Alexander.

Mayor Alexander moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

CEREMONIAL MATTER

1. Mayor Alexander presented a proclamation proclaiming the month of May as Foster Care Awareness Month. Denise Gallop, Assistant Director of Social Services accepted the Proclamation. Pastor and Mrs. Hester from Coastal Virginia Church spoke about the reward of being foster parents.
2. Mayor Alexander presented a proclamation proclaiming the month of May as Mental Awareness Month. Sarah Fuller, Director of the Community Services Board accepted the Proclamation.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Terminal, LP**, for the closing, vacating and discontinuing portions of **Springfield Avenue** lying east of **Ford Drive** and a portion of **Poppleton Street**.

(Passed by at the meeting of April 25, 2017)

Bob Roop, applicant, 2901 South Lynnhaven Road, Virginia Beach, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing portions of **Springfield Avenue and Poppleton Street**,” was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a **Text Amendment to Section 11-27, "Park Place Residential Overlay District,"** of the *City's Zoning Ordinance*.

(Passed by at the meeting of April 25, 2017)

Charles Johnson, 3226 Omohundro Avenue, President of Park Place Civic League, spoke in favor of this matter.

Thereupon, an Ordinance entitled, "An Ordinance to amend and reordain Section 11-27 of the Zoning Ordinance of the City of Norfolk, 1992 **SO AS TO** clarify development regulations related to front yard setbacks and front-loading attached garages in the **Park Place Residential Overlay District,**" was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective February 17, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments approving the conveyance of a utility easement and an access easement to **Cellco Partnership d/b/a Verizon Wireless** over certain city-owned property located at **723 Spotswood Avenue** for the sum of \$20,000.00; and authorizing the City Manager to execute the Deed of Easement on behalf of the City.

Joshua Johnson, Attorney for the applicant, 999 Waterside Drive, Suite 2100, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance approving the conveyance of a utility easement and an access easement to **Cellco Partnership d/b/a Verizon Wireless** over certain city-owned property located at **723 Spotswood Avenue** for the sum of \$20,000.00; and authorizing the City Manager to execute the Deed of Easement on behalf of the City,” was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments authorizing the conveyance of a parcel of land located on **Route 637 in Isle of Wight County to the Commonwealth of Virginia.**

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance of a parcel of land located on **Route 637 in Isle of Wight County to the Commonwealth of Virginia,**” was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective June 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments authorizing the conveyance to **Balance Builders, Inc.** of certain parcels of property located at **1098 Algonquin Road** for the total sum of \$75,000.00 in accordance with the terms and conditions of the Purchase and Sale Agreement.

ACTION: Continued indefinitely.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

CONSENT AGENDA

C-1

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** to permit the operation of a tattoo parlor named “Coleman’s Place Tattoo” on property located at **931 West 21st Street, Suite A.**

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

C-2

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as “Commune NFK” on property located at **759 Granby Street.**

Kevin Jameson, 759 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

C-3

Letter from the City Attorney and an Ordinance entitled, An Ordinance directing the City Treasurer to issue a refund in the amount of **\$5,800.47** plus interest to **Eckerd Corporation** based upon the overpayment of its business license tax for the tax years 2016 and 2017.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

C-4

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as “FM Restaurant” on property located at **320 Granby Street**.

Alan Parker, 320 Granby Street, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

Abstain: Thomas (His law firm does business with FM Restaurant)

C-5

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as “Leone’s” on properties located at **449 and 455 Granby Street and 105 to 119 West Charlotte Street**.

Sture Sigfred, 305 Brooke Avenue, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

C-6

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named “Mini Super Latino” on property located at **3320 North Military Highway**.

Alejandra Powell, 3320 North Military Highway, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

C-6A

An Ordinance entitled, An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as “Mini Super Latino” on property located at **3320 North Military Highway**.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

C-7

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** to permit alternative signage for “Norfolk Premium Outlets” on property located at **1600 Premium Outlets Boulevard**.

Randy Royal, 4500 Main Street, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

C-8

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** to permit the operation of a commercial drive-through for “USAA ATM” on property located at **1819 East Little Creek Road**.

Jesus Ramirez, 2007 Gateway Boulevard, North Carolina, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance closing certain city-owned docks to public use during the **Norfolk Harborfest 2017 celebration**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance establishing certain public areas and streets of the City of Norfolk as the ‘Festival Area’ and setting forth the regulations applicable to such festival area for the **Norfolk Harborfest 2017 celebration**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City Manager to enter into a **Right of Entry Agreement** with Richard C. Hood and Sharon S. Smith regarding the property located at **1432 Gates Avenue**, in connection with the Jeff **Robertson Park Stormwater Wetland Project**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving two **Right of Entry Agreements** permitting the New Hope Church of God in Christ to go upon and use that certain city owned property located at **616, 618, and 620 W. 35th Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Right of Entry Agreement** permitting Colston Jones to go upon and use certain city owned property numbered and designated as **1351 and 1371 Hanson Avenue** for the ‘Smooth is Fast: A Cyclocross Clinic’ event,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

NEW BUSINESS

1. Danny Lee Ginn, 3844 Dare Circle, commented he believes Mr. Riddick is a racist because of his comments at a previous council meeting. He asked the council to take a vote of no confidence of Mr. Riddick and if they did that he would never come back to a council meeting again.
2. Robert Henerson, 1120 Craig Street, commented about apartments being renovated in the Campostella neighborhood and hoped that the young men in the community would be hired for the work to be performed. He believes these young men have the will to work but don't get enough opportunities.